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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,307	02/09/2001	Dieter Backer	A-2698	6701
7590	01/14/2004		EXAMINER	
LERNER AND GREENBERG, P.A. Post Office Box 2480 Hollywood, FL 33022-2480				WILLIAMS, KEVIN D
		ART UNIT	PAPER NUMBER	2854

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,307

Applicant(s)

BACKER ET AL.

Examiner

Kevin D. Williams

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.

4a) Of the above claim(s) 2 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 and 3-5 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 April 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 2/9/2000. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Simon (US 4,915,677).

Simon teaches a machine comprising a belt drive including a belt 10 for revolving during operation, said belt defining a longitudinal direction and a transverse direction, said belt having two protruding edges (Fig. 1;Fig. 8) oriented in the longitudinal direction of said belt and being opposite one another in the transverse direction of said belt, said belt having a non-constant modulus of elasticity (12,18,C), a belt guide P1,P2 having stops (slanted ends of P1,P2) with shaped surfaces acting on said two protruding edges of said belt, said shaped surfaces being selected from a group consisting of inclined

surfaces (slanted ends of P1,P2) and curved surfaces, where said shaped surfaces are rotationally symmetrical stop surfaces in rolling contact with said edges.

The modulus of elasticity is non-constant in the belt 10. The different materials 12, 18, and C have different moduli of elasticity.

4. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Rattunde (US 4,631,042).

Rattunde teaches a belt drive including a belt (9; col. 1, lines 25-40) for revolving during operation, said belt defining a longitudinal direction and a transverse direction, said belt having two protruding edges (Fig. 1) oriented in the longitudinal direction of said belt and being opposite one another in the transverse direction of said belt, a belt guide 4,8 having stops with shaped surfaces (inside curved portions of 4,8) acting on said two protruding edges of said belt, and said shaped surfaces being curved surfaces (inside curved portions of 4,8).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann (US 6,250,224) in view of Simon.

Hofmann teaches a machine for printing images on flat printing material, comprising a belt drive (Fig. 3) including a belt 60 for revolving during operation, said belt defining a longitudinal direction and a transverse direction, and a belt guide having stops 64.

Hofmann does not teach the belt having two protruding edges oriented in the longitudinal direction of said belt and being opposite one another in the transverse direction of said belt, the belt having a non-constant modulus of elasticity, the belt guide having stops with shaped surfaces acting on said two protruding edges of said belt, said shaped surfaces being selected from a group consisting of inclined and curved surfaces, where the shaped surfaces are rotationally symmetrical stop surfaces in rolling contact with said edges.

Simon teaches a machine comprising a belt 10 having two protruding edges (Fig. 1;Fig. 8) oriented in the longitudinal direction of said belt and being opposite one another in the transverse direction of said belt, said belt having a non-constant modulus of elasticity (12,18,C), a belt guide P1,P2 having stops (slanted ends of P1,P2) with shaped surfaces acting on said two protruding edges of said belt, said shaped surfaces being selected from a group consisting of inclined (slanted ends of P1,P2) and curved surfaces, where the shaped surfaces are rotationally symmetrical stop surfaces in rolling contact with said edges. The modulus of elasticity is non-constant in the belt 10. The different materials 12, 18, and C have different moduli of elasticity.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hofmann to have a belt with a non-constant modulus of elasticity as

taught by Simon, in order to increase the durability and longevity of the belt, as taught by Simon. It would have also been obvious to modify Hoffmann to have the shaped surfaces as taught by Simon, in order to ensure that the belt is securely held in the guide.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann (US 6,250,224) in view of Rattunde.

Hofmann teaches a machine for printing images on flat printing material, comprising a belt drive (Fig. 3) including a belt 60 for revolving during operation, said belt defining a longitudinal direction and a transverse direction, and a belt guide having stops 64.

Hoffman does not teach the belt having two protruding edges oriented in the longitudinal direction of said belt and being opposite one another in the transverse direction of said belt, the belt guide having stops with shaped surfaces acting on said two protruding edges of said belt, said shaped surfaces being curved surfaces.

Rattunde teaches a machine comprising a belt (9; col. 1, lines 25-40) having two protruding edges (Fig. 1) oriented in the longitudinal direction of said belt and being opposite one another in the transverse direction of said belt, a belt guide 4,8 having stops with shaped surfaces (inside curved portions of 4,8) acting on said two protruding edges of said belt, said shaped surfaces being curved surfaces (inside curved portions of 4,8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hofmann to have a belt guide with curved portion as taught by Rattunde, in order to reduce wear on the belt, as taught by Rattunde.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 3, 4, and 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Williams whose telephone number is (703)

305-3036. The examiner can normally be reached on Monday - Friday, 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

KDW
January 11, 2004



ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800